



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short *et al.* Art Unit: 1645  
Parent Serial No.: 09/202,681  
Parent Filing Date: December 23, 1999  
Serial No.: 09/902,525 Examiner: Unassigned  
Filed: July 9, 2001  
Title: ENZYMES HAVING THERMOSTABLE PHOSPHATASE ACTIVITY  
AND METHODS OF USE THEREOF

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**PERMISSION TO USE SEQUENCE LISTING**

Sir:

The above-identified patent application lacks a substitute paper copy of the Sequence Listing for inclusion into the Specification, as well as a computer readable form of the Sequence Listing. Applicants respectfully direct the attention of the Office to the following:

1. A complete paper copy of the Sequence Listing is included in the Specification and is identical to the computer readable copy of the Sequence Listing filed in U.S. Patent Application No. 09/202,681 (the "681 application"), filed December 23, 1999.
2. A computer-readable form in this application is identical with that filed in the "681 application", filed December 23, 1999. Pursuant to 37 CFR §1.821(e), please use the last-filed computer readable form filed in the "681 application" as the computer readable form for this application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for this application.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>February 28, 2002</u> , in an envelope addressed to: U.S. Patent and Trademark Office Box Sequence, P.O. Box 2327, Arlington, VA 22202.	
Mikhail Bayley	
Name of Person Mailing Paper	February 28, 2002
Signature	Date

In re Application of:  
Mathur *et al.*  
Application No.: 09/902,525  
Filed: July 9, 2001  
Page2


PATENT  
ATTY. DOCKET NO.: DIVER1230-2

I hereby state, as required by 37 C.F.R. § 1.821 (g), that the enclosed submission includes no new matter. Applicants submit that the foregoing satisfies the requirements of Rule §1.821. If there are any questions regarding this response, the Office is invited to contact the undersigned.

It is understood that this perfects the application and no additional papers or filing fees are required. If there are any other charges, or any credits, please apply them to Deposit Account 50-1355.

Respectfully submitted,

Dated: February 28, 2002

  
\_\_\_\_\_  
Kelly Reynolds  
Reg. No. P51,154  
Telephone: (858) 638-6724  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133

**Customer Number: 28213**



CAU/1643

PATENT  
ATTY. DOCKET NO. DIVER1230-2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short *et al.* Art Unit: 1645  
Serial No.: 09/902,525 Examiner: Unassigned  
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**TRANSMITTAL LETTER**

Sir:

In response to the notice to file missing parts of nonprovisional application mailed September 4, 2001, Applicant provides herewith a Permission to Use Sequence Listing in accordance with 37 C.F.R. § 1.821 *et seq.* The remaining items noted as missing parts will be submitted under separate cover to Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231.

Transmitted herewith for the above-identified application please find:

1. Permission to Use Sequence Listing (2 pgs.);
2. Copy of Notice to File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. 1.53(b) (2 pgs.); and
3. Return Postcard

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>February 28, 2002</u> , in an envelope addressed to: U.S. Patent and Trademark Office Box Sequence, P.O. Box 2327, Arlington, VA 22202.	
Mikhail Bayley	
Name of Person Mailing Paper	
<i>Mikhail Bayley</i>	
Signature	February 28, 2002
	Date

In re Application of:  
Mathur *et al.*  
Application No.: 09/902,525  
Filed: July 9, 2001

PATENT  
ATTY. DOCKET NO.: DIVER1230-2

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A Petition for Extension of Time and Check No. 502568 in the amount of \$2915.00, of which \$720.00 is to be applied to cover the fee for the four (4) months Extension of Time have been filed under separate cover. The Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: February 28, 2002

  
\_\_\_\_\_  
Kelly Reynolds  
Reg. No. P51,154  
Telephone: (858) 638-6724  
Facsimile: (858) 677-1465

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UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 2

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/902,525	07/09/2001	Eric Mathur	DIVER1230-2

28213

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CONFIRMATION NO. 7453

FORMALITIES LETTER



\*OC000000006507950\*

Date Mailed: 09/04/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1701.
  - \$846 for 94 total claims over 20.
  - \$720 for 18 independent claims over 3 .
  - \$135 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2121.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be

submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY